



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.09.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.24788/2015 & M.P.No.1/2015

[Video Conferencing]

Poonkodi

... Petitioner

Versus

Baskaran

...Respondent

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C to set aside order dated 06/02/2015 passed in CMP.No.522/2015 in M.C.No.12/2012 on the file of Judicial Magistrate, Avinashi.

For Petitioner : No appearance

For Respondent : Mr.S.Kaithamalai Kumaran

ORDER

- (1) No representation for the petitioner.
- (2) The present petition has been filed questioning the order dated 06.02.2015 passed in CMP.No.522/2015 in M.C.No.12/2012 which was, at that particular point of time, pending on the file of the learned Judicial Magistrate, Avinashi. Pending the present petition, subsequently the said Maintenance Case has been transferred to Judicial Magistrate Court, Uthukuli and it was renumbered as M.C.No.10/2020.
- (3) Mr.Kaithaimalai Kumaran, learned counsel for the respondent states that both the parties are not appearing before the said Judicial Magistrate Court for the past several years and as a matter of fact, the Maintenance Case petition which had been filed seeking maintenance for the petitioner herein and also for the daughter, would not survive insofar



as the daughter is concerned since she had also married subsequently.

- (4) The present petition has been filed questioning the order dismissing an application filed under Section 311 of Cr.P.C. It would only be appropriate for the parties to go back to the trial court and adjudicate the issues there and if they are not interested, the learned Judicial Magistrate may take appropriate decision after giving necessary leverage to the parties to appear before the Court. The learned Judicial Magistrate, Uthukuli, may take a considered decision, if there is non-appearance, on or before 08.10.2021. If there is appearance, the learned Judicial Magistrate may insist upon the parties to conduct the case on day-to-day basis and endeavor in disposing of the Maintenance Case on or before 29.10.2021.
- (5) With the said observations, the present Criminal Original Petition is dismissed. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Judicial Magistrate,
Avinashi.
2. The Judicial Magistrate,
Uthukuli.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.46224

Cr1.OP.No.24788/2015

AK(CO)
SU(21/09/2021)